

Appendix 1: Amendments to conditions proposed by MGL

Proposed insertions by the Group are shown in underline and deletions shown in ~~strikeout~~.

Table 1. D.01 – CODC Land Use Consent and Conditions

Condition	Amendments	Comments						
13 Operational Noise Limits	The noise rating level from ~~operational activities, including all mining operations~~ <u>all operational activities across the Project Site (including mineral processing, rock breaking, mobile fleet operations, and waste rock placement), but excluding blasting activities</u>, must comply with the following ~~noise limits at or within the notional boundary of any existing dwelling that exists at the commencement date of this consent~~ <u>limits when measured at the legal boundary of any adjacent private property</u>: <table><tr><th>Time</th><th>Limit</th></tr><tr><td>~~Daytime~~ 0700 to 2200hrs</td><td>~~55 dB LAeq(15 min)~~</td></tr><tr><td>~~Night-time~~ 2200 to 0700hrs</td><td>~~40 dB LAeq(15 min)~~ ~~75 dB LAfmax~~</td></tr></table> <u>Daytime (0700 to 1900 hrs Monday to Saturday): 50 dB LAeq(15 min)</u> <u>Evening (1900 to 2200 hrs all days): 45 dB LAeq(15 min)</u> <u>Night-time (2200 to 0700 hrs all days): 35 dB LAeq(15 min) and 65 dB</u>	Time	Limit	~~Daytime~~ 0700 to 2200hrs	~~55 dB LAeq(15 min)~~	~~Night-time~~ 2200 to 0700hrs	~~40 dB LAeq(15 min)~~ ~~75 dB LAfmax~~	As drafted, noise limits are frozen at the commencement date of the consent, meaning that a dwelling lawfully established later (including a replacement dwelling on an existing title) has no protection from noise for the remaining decades of the project. The Group seeks reduced daytime hours and noise limits, with lower limits for evening and further restrictions for nighttime.
Time	Limit							
~~Daytime~~ 0700 to 2200hrs	~~55 dB LAeq(15 min)~~							
~~Night-time~~ 2200 to 0700hrs	~~40 dB LAeq(15 min)~~ ~~75 dB LAfmax~~							

LAFmax

~~“Notional boundary” means a line 20 metres from the façade of any building used for residential activity, or the legal boundary of the site on which a building containing a residential activity is located where the boundary is closer to the building than 20 metres.~~

No mobile mining fleet operations, aggregate crushing, or rock dumping shall occur on the Shepherds ELF, Western ELF, or SRX ELF during night-time hours (2200 to 0700 hrs).

17 Blasting and
Vibration Limits

~~Surface blasting in the open pits or for construction works may only occur between 10 am and 9 pm. Underground blasting is permitted to occur at any time.~~

Surface blasting within open pits and construction areas may only occur within the following defined blast windows:

a. Permitted Days: Monday to Friday inclusive, excluding Public Holidays.

Blasting is strictly prohibited on Saturdays, Sundays, and Public Holidays;

b. Permitted Hours: Between 10:00 am and 12:00 pm, and between 4:00 pm and 6:00 pm;

c. Mandatory Daytime Amenity Curfew: No surface blasting shall take place between 12:00 pm and 4:00 pm on any day, in order to protect outdoor dining amenity, unamplified acoustic environments, and lawfully established commercial hospitality operations at sensitive receptors within 5 km of the pit crests.

A curfew is proposed between 12:00-4:00pm to protect outdoor amenity of existing commercial operations within the area that may be affected by blasting.

In relation to the nearby dwellings (shown on Attachment A — BOGP Site Layout and Nearest Noise Sensitive Receivers to this Land Use Consent), vibration from blasting activities affecting dwellings must be measured and assessed in accordance with Appendix J of Australian Standard AS 2187-2:2006 *Explosives — Storage and use Part 2: Use of explosives*, and the Consent Holder must ensure that:

- a. ~~Blasting is managed to ensure that, in any calendar year, 95% of airblast levels do not exceed 115 dBL_{Zpeak}, with a maximum of 120 dBL_{Zpeak}, when measured and assessed at any point within the notional boundary of any rural dwelling;~~
- b. ~~Blasting vibration must not exceed a peak particle velocity of 5 mm/s for 95% of blast events in any calendar year, with a maximum of 10 mm/s for up to 5% of blast events in any calendar year when measured and assessed at the foundation of any dwelling; and~~
- e. ~~Blasting vibration must not exceed a peak particle velocity of 0.3 mm/s when measured and assessed at the foundation of any dwelling for underground blasting undertaken between 9 pm and 10 am.~~

~~The limits of a peak particle velocity of 5 mm/s can only be exceeded in circumstances where the blast was designed to comply with 5 mm/s and where the exceedance was due to an unforeseeable factor such as an unusual ground propagation characteristic or some other unpredictable reason.~~

Ground vibration from blasting must not exceed a Peak Particle Velocity (PPV) of 2.0 mm/s when measured at the foundation of any dwelling, commercial premise, or visitor facility, and must not exceed 5.0 mm/s when measured at any point along the legal boundary of adjacent private land.

Any single blast event exceeding 2.0 mm/s at a dwelling foundation or 5.0 mm/s at a private property boundary shall require immediate cessation of blasting until an independent blast design audit is certified by the Central Otago District Council.

27

To achieve the objectives of the Blasting Noise and Vibration Management Plan (“**BNVMP**”) in Condition 26, the plan must, as a minimum, include:

- a. Contact details for the following:
 - i. Site Manager responsible for receiving and managing all blasting and related complaints; and
 - ii. The person responsible for blast design, monitoring and compliance;
- b. Provision for records of every blast event to be maintained that must include the following:
 - i. Time and duration of blast event;
 - ii. Locations of blasts;
 - iii. Total amount of explosive used and the maximum instantaneous charge weights;
 - iv. Detonation methods and delay sequence of the blast event;

Landowners with stock or horses, staff working outdoors, or water infrastructure receive no advance notice of blasting and no notice of an exceedance affecting their property.

The Group seeks advance notification of blasting. Advance notification is standard practice at comparable operations, low in cost, and materially reduces the amenity and safety effects of blasting on neighbours.

Similarly, to manage adverse effects on scheduled events (for example, weddings), the Group seeks amendments to prevent blasting from occurring within that event window.

- v. Volume of rock blasted;
 - vi. Vibration monitoring results from all seismographs (fixed and in relation to complaints); and
 - vii. Predictions of compliance for every blast event using the scaled distance method and based on the vibration measurements from the fixed seismograph;
- c. Details of how blast events will be restricted to blast windows to increase the predictability for neighbours;
 - d. Methods and procedures for test blast design, firing and monitoring to provide the information necessary (including attenuation constants) for all future blast designs;
 - e. The methods and procedures for ensuring that the vibration from all blast events is monitored and recorded from at least one permanent fixed seismograph location (for example at Ardgour Terrace) and to ensure that all results are used to inform all future / subsequent blast designs to ensure compliance with the vibration limits in Condition 20;
 - f. A requirement to ensure that the results of all vibration measurements (including fixed and in relation to complaints) are used in the design of all subsequent blasts;
 - g. Protocols to be followed for all blasts to ensure the objective of the BNVMP are achieved;
 - h. Measures to avoid any effects of blasting on heritage sites and features (see Condition 32 below); and

- i. Procedures for ensuring that all equipment used for monitoring, equipment calibration and vibration measurement procedures must comply with Australian Standard AS2187.2:2006 *Explosives - Storage and Use - Use of explosives*;
- j. A pre-blast notification protocol comprising written electronic notice to all registered sensitive receptors, vineyards, and commercial venues located within 5 km of the pit crests at least 24 hours prior to any planned blast event, confirming the target blast time (within a 30-minute window), anticipated charge weight, and pit location; and
- k. Procedures for the Consent Holder to coordinate with consented visitor accommodation, tasting room, and function venues operating within 5 km of the Project Site.

Where a venue provides at least 5 working days' written notice of a scheduled, unamplified outdoor ceremony or event occurring outside the mandatory 12:00 pm–4:00 pm curfew, the Consent Holder must adjust its blast firing schedule to avoid firing during that event window.

55

The Consent Holder must inform the Central Otago District Council (monitoring@codc.govt.nz)), the Community Liaison Group, and every holder of a water permit within 5km within 24 hours of any spill event that occurs outside of contained areas and exceeds the relevant trigger for that hazardous substance in the Spill Response Procedure required under Condition 53 and must provide the following information:

- (a) The date, time, location and estimated volume of the spill;

- (b) The cause of the spill;
- (c) The type of contaminant(s) spilled;
- (d) Clean up procedures undertaken;
- (e) Details of the steps taken to control and remediate the effects of the spill on the receiving environment;
- (f) An assessment of any potential effects of the spill and measures to be undertaken to prevent a recurrence; and

A copy of any expert advice obtained by the Consent Holder in responding to the spill.

58A
Transportation

No site establishment, vegetation clearance, topsoil stripping, earthworks, building construction, or heavy vehicle movements associated with the exercise of this consent shall commence until the Consent Holder has fully constructed, safety-audited, and obtained written engineering sign-off from Central Otago District Council and Waka Kotahi NZTA for the following works:

- a. The complete construction and sealing of the State Highway 8 / Ardgour Road intersection upgrade, incorporating a 3.5 m wide dedicated right-turn bay and 1.5 m sealed shoulders;
 - b. The full widening and two-way sealing (minimum 6.5 m sealed carriageway width) of Ardgour Road from State Highway 8 to Thomson Gorge Road; and
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- c. The full widening and two-way sealing (minimum 6.5 m sealed carriageway width) of Thomson Gorge Road from its intersection with Ardgour Road to the Project Site Access Road.

Temporary traffic management plans, unsealed gravel road maintenance, or deferred 12-month post-commencement construction periods shall not satisfy this condition.

58B

To protect the safety of local residents, recreational cyclists, and equestrian users along Thomson Gorge Road and Ardgour Road:

- a. Prior to the commencement of any heavy vehicle haulage or mine construction traffic, the Consent Holder must construct a physically separated, unsealed 2.5 m wide multi-use trail (suitable for horse riding, walking, and mountain biking) along the road corridor of Ardgour Road and Thomson Gorge Road, separated from the vehicle carriageway by a physical swale or post-and-rail barrier;
- b. Heavy vehicle movements (Class 2 and above, including fuel tankers, aggregate haulers, and plant delivery) along Thomson Gorge Road and Ardgour Road are prohibited during the following peak residential, school transport, and hospitality windows:

Morning Curfew: 0730 to 0900 hrs (Monday to Friday)

Afternoon Curfew: 1500 to 1730 hrs (Monday to Friday)

Night-time Haulage Ban: 2000 to 0700 hrs (7 days a week)

All Project-related vehicles operating on Thomson Gorge Road and Ardgour Road must comply with a maximum speed limit of 30 km/h within 200 metres of any residential dwelling, bed and breakfast, or equestrian access gate.

67A Thomson Gorge Road shall remain open and unrestricted for public and commercial visitor use until Ardgour Rise is fully constructed, sealed on all grades exceeding 8%, and certified by Central Otago District Council.

67 Prior to the closure of Thomson Gorge Road to the public for mining operations, the Consent Holder must construct an alternative vehicle route to Thomson Gorge Road to maintain public access to the Dunstan Mountains, referred to as Ardgour Rise, generally in accordance with the alignment shown on Plan 1 – Project Overview Plan annexed as part of Attachment 2 – Plans in Schedule One.

The purpose of this alternative vehicle route is to ensure that there is a satisfactory alternative public access route between Ardgour Terrace and Thomsons Saddle that bypasses the Project Site when Thomson Gorge Road is closed for mining operations.

The replacement road must achieve the following minimum design thresholds:

- a. No continuous gradient shall exceed 10.0%, with absolute maximum isolated grades not exceeding 12.5% for lengths no greater than 100 metres (in accordance with ARRB Class 4C mountainous standards)];

- b. Paved relief grades/pull-off bays must be provided at intervals not exceeding 400 metres across the entire climb to allow safe passing and vehicle cooling; and
- c. The road must be audited and certified by an independent recreation and traffic safety expert approved by the Council, confirming that the new route provides equivalent or superior recreational amenity, scenic engagement, and cycling safety compared to the sheltered valley alignment of Thomson Gorge Road.

Where the proposed road realignment passes through areas of native vegetation, the footprint of the road should be limited to minimise disturbance, with native tussock and seed recovered from within the road footprint where practicable and incorporated within batter slopes.

Exposed fill batters must be seeded as soon as practicable following completion to encourage revegetation of an equivalent landcover with surrounding areas and assist with reducing broader visibility of exposed soil.

80A

The Consent Holder must maintain all previously disturbed ground, open pit benches, engineered landform surfaces, haul roads, and soil stockpiles in a stable, non-dust-generating state at all times, including during any temporary cessation, shutdown, or suspension of mining operations. Passive dust control for previously disturbed areas must be achieved primarily through progressive rehabilitation, hydroseeding, and the application of chemical soil binders/tackifiers, or by utilizing on-site recycled stormwater stored in dedicated retention ponds.

Dust generated by the use of Thomson Gorge Road and Ardgour Road will directly affect roadside landowners and has not been addressed by conditions. The Consent Holder must be required to maintain these roads in a non-dust-generating state.

Under no circumstances shall the need to suppress dust on previously disturbed earthworks or passive surfaces be used as a ground to exempt, override, or delay the mandatory cessation of groundwater abstraction from the Bendigo Aquifer under Condition 10 of Water Permit [CB13/0215].

In the event that groundwater abstraction is suspended and on-site water or chemical suppressant reserves are insufficient to prevent visible dust from leaving the site boundary, the Consent Holder must immediately cease all vehicular movements on unsealed surfaces and apply emergency physical covers or crusting agents to exposed areas within 12 hours.

85A

To protect certified organic crops, olive harvesting, and residential air quality along Thomson Gorge Road (including Ardgour Olives at 60 TGR and adjoining organic vineyards):

- a. The Consent Holder must install and maintain continuous real-time PM10, PM2.5, and Total Suspended Particulate (TSP) air quality monitors at the legal boundaries of 6, 10, and 60 Thomson Gorge Road;
 - b. If 1-hour average PM10 concentrations exceed 50 µg/m³ or visible dust emissions cross the road boundary into an organic agricultural property, the Consent Holder must apply environmentally safe polymer dust suppressants or water carting to the road surface within two (2) hours;
 - c. During the 6-week commercial olive harvesting period (as notified in writing by Ardgour Olives) and peak grape veraison/harvest, heavy vehicle movements past 60 TGR must be restricted to
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sealed road surfaces or coated with non-toxic binding agents
certified compatible with BioGro organic standards.

Table 2: D.02 – CODC Land Use Consent and Conditions

Condition	Amendments	Comments
9	Within 30 working days following the commencement of this consent, the Consent Holder must notify the owners of groundwater bores within 1 km radius of the Bendigo Aquifer bore CB13/0215 (the subject of this consent) of the anticipated commencement date for which groundwater will be first taken, and invite those surrounding bore owners to provide the following information in relation to their existing lawfully established bores / water takes: (a) Location and depth of the bore; (b) Standing depth to water; (c) Consented rate and volume of water take (including any seasonal variations); (d) A description of the physical infrastructure associated with the take (e.g. submersible pump, surface pump, any water conveyance infrastructure etc.); and (e) A copy of any resource consents (where applicable). ~~All surrounding bore owners who provide the information above within 30 working days of the date of the request will be eligible to benefit from the regime set out in Condition 10 below.~~	

Prior to the exercise of this consent, the Consent Holder must, at its sole cost, install and calibrate continuous, real-time water level, temperature, and electrical conductivity telemetry monitoring equipment on the Schoolhouse Terrace Bore (G41/0262) and all other lawfully established bores within a 2.0 km radius of Production Bore CB13/0215.

Continuous baseline monitoring data must be recorded and transmitted directly to the Otago Regional Council and the respective bore owners across a minimum of one full irrigation season (1 October to 30 April inclusive) prior to any operational abstraction by the Consent Holder.

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- 10 ~~If any surrounding bore owner that has provided the information set out in accordance with the requirements set out in Condition 9 advises the Consent Holder that they cannot access their full consented or permitted allocation of groundwater, the Consent Holder must then undertake the following sequential steps:~~
- ~~(a) The Consent Holder must commission an independent hydrogeological assessment to verify the alleged issues with accessing their full groundwater allocation and likely causes to determine whether this reduction is caused by the Consent Holders take at the Bendigo Aquifer authorised by this consent. This assessment must be prepared by a SQEP and provided to ORC and the affected bore owner with 40 working days.~~
 - ~~(b) If the assessment required in clause (a) concludes that the reported issues with accessing their full allocation are a result of the Consent Holders take at the Bendigo Aquifer authorised by this consent, the~~
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~~Consent holder must provide an alternative water supply equivalent to the confirmed shortfall until the following steps have been completed:~~

~~(i) Undertake investigations which may include (but are not limited to):~~

- ~~1) Detailed measurements of the affected bore(s);~~
- ~~2) Reference to bore log, bore construction and drilling records;~~
- ~~3) Pulling the pump unit and making essential measurements;~~
~~and~~
- ~~4) Measuring the internal decline in bore water level during pumping of the subject bore (specific capacity or step rate testing).~~

~~(ii) Investigate and implement the most practicable and effective remedial option to ensure that the bore owner can continue to access and abstract water at the rate and volume that that they were abstracting prior to notification of the reported drawdown, taking into account any preferences of the bore owner about the solution to be implemented. These solutions may include, but are not limited to, the following:~~

- ~~1) Lowering of the pump unit within the original bore (where feasible);~~
 - ~~2) Re-drilling of the bore and setting a deeper, larger diameter screen to allow lower setting of the pump unit and higher screen loss efficiency; or~~
 - ~~3) Provision of a replacement, high reliability water supply of equal or better water quality in the case of elevated risk of~~
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bore water supply interruption that cannot be remedied by any other means.

~~Advice Note:~~ ~~If the affected bore owner is abstracting water in accordance with a permitted activity rule that has a fixed limit, the Consent Holder must ensure that the full volume allowed for by that permitted activity rule is accessible by the affected bore owner.~~

If real-time monitoring data, seasonal trend analysis, or bore operation demonstrates:

- a. A project-induced water level drawdown equal to or exceeding 0.15 metres at Bore G41/0262 (or any other surrounding bore) relative to uninfluenced seasonal baseline levels; or
- b. Any reduction in the instantaneous abstraction yield, pressure drop, or mechanical pump cavitation at Bore G41/0262; the Consent Holder must immediately cease all groundwater abstraction from the Bendigo Aquifer within two (2) hours of telemetry alarm generation or written notice from the affected bore owner.
- c. Abstraction shall remain suspended until an independent hydrogeologist, appointed jointly by the Otago Regional Council and the affected bore owner, certifies that groundwater levels have recovered and that abstraction can resume without compromising the consented volume or instantaneous rate.

10A

The mandatory cessation of groundwater abstraction from the Bendigo Aquifer under Condition 10 shall apply unconditionally to all operational water uses, including active and passive dust suppression.

Prior to the exercise of this consent, the Consent Holder must submit a Water Security and Contingency Protocol for certification by the Otago Regional Council and Central Otago District Council, demonstrating:

- a. That the Consent Holder holds lawful, consented water abstraction allocations from independent sources outside the Bendigo Aquifer (such as the Ardgour Terrace / Lindis River catchment) capable of supplying the full daily volumetric dust suppression requirement; or
- b. That dedicated, on-site lined storage capacity of not less than 30 days of peak summer dust suppression demand is established and operational on-site.

In the event that groundwater abstraction from the Bendigo Aquifer is suspended under Condition 10:

- a. The Consent Holder shall maintain all required dust suppression exclusively via the verified secondary sources or on-site storage certified under subclause (2); and
- b. If at any time during an abstraction stoppage the remaining on-site water storage falls below a 5-day reserve, the Consent Holder must immediately suspend all open-pit excavation, overburden stripping, and unsealed haul road vehicle movements until the Bendigo Aquifer has fully recovered or secondary water delivery is fully restored.

Section 14
Permit,
condition 3

The maximum instantaneous rate of take from the production bores must not exceed 97 litres per second.

The measurement provides no daily, seasonal, or annual volume limit. The Panel should consider the extent to which these limits should be applied.

Table 3: D.03 – Schedule 1 – Common Conditions CODC and ORC

Condition	Amendments	
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C9

~~Within 3 months of commencement of the consents, the Consent Holder must establish a Community Liaison Group ("CLG") which is to remain in operation during the mine construction and mine operation phases of the BOGP. Within one (1) month of the commencement of this consent, the Consent Holder must fund the establishment and ongoing operation of the Bendigo-Ophir Community Liaison Group (CLG).~~

Purpose

~~The purpose of the CLG is to facilitate open communication, collaboration, and mutual understanding between the Consent Holder, community and relevant stakeholders. The aims of the CLG must be to address concerns, share information, and foster cooperative relationships to support community well-being and project success.~~

~~A Terms of Reference must be prepared for the CLG. The Terms of Reference will be developed in association with CLG members and subject to approval by the Councils.~~

Objectives

~~The objectives of the CLG must be:~~

- ~~(a) To provide an additional forum for discussion and engagement between the Consent Holder, community representatives and key stakeholders;~~
- ~~(b) To enhance transparency and trust through regular communication;~~
- ~~(c) To promote community engagement activities undertaken by the Consent Holder.~~
- ~~(d) To identify and address community concerns in a proactive manner;~~
- ~~(e) To provide feedback and recommendations on activities that impact the community; and~~
- ~~(f) To promote inclusivity of diverse community perspectives.~~

Membership

~~The CLG must consist of:~~

- ~~(a) An independent chairperson;~~

The Group seeks amendments to the CLG to ensure that the body operates as intended and seats are reserved for those most affected by the BOGP.

The CLG should continue through the end of mine life works as this is where water treatment, rehabilitation, landform stability and the transfer of responsibility to the Matakinui Trust fall to be managed and when community oversight matters most.

- ~~(b) A minimum of three to five representatives of the local community;~~
- ~~(c) One iwi representative (if requested by the BOGP Kaitiaki Governance Group);~~
- ~~(d) One representative of each of the Councils;~~
- ~~(e) One representative from the Department of Conservation; and~~
- ~~(f) At least two company representatives on behalf of the Consent Holder, including the person with direct managerial responsibility for environmental management at the mine present at all meetings.~~

Administration

~~The Consent Holder will provide facilities for the meeting and be responsible for recording of minutes.~~

~~The role of the Chairperson is to be a convenor, facilitator, mediator and advisor for the committee. They must undertake their role in an independent manner, and refrain from perceptions of bias either for or against the company or any individual or group of representatives on the committee.~~

~~The chairperson appointed requires the prior approval of the Councils.~~

~~The local community and other stakeholder representatives will be appointed following advertisement in the local press. Representatives will be selected to represent neighbours and the local community.~~

~~In selecting the community representatives, preference will be given to candidates who can represent the concerns of a variety of interest groups. Selection criteria are:~~

- ~~(a) Willingness to contribute constructively;~~
- ~~(b) Experience and ability to provide feedback to the community and stakeholder groups; and~~
- ~~(c) Current residence in the local area and/or awareness of local and other relevant issues.~~

Meeting Frequency

The CLG must determine the frequency of its meeting with a minimum of two meetings and maximum of four meetings per annum.

Independent Governance:

a. The CLG shall be administered by an Independent Chair and Secretariat, jointly appointed and remunerated by the Central Otago District Council (at the Consent Holder's sole expense). The Consent Holder shall have no authority to appoint, direct, or remove the Chair, determine the meeting agenda, or restrict membership.

b. All meetings of the CLG shall be open to the public. Unedited minutes, meeting recordings, presentations, and technical reports must be published on a publicly accessible website within five (5) working days of each meeting. No confidentiality agreements or non-disclosure clauses shall be imposed on members.

Guaranteed Affected Resident Representation:

Membership of the CLG must, as of right, include:

a. At least two (2) designated representatives elected by the freehold property owners and residents of Thomson Gorge Road and Ardgour Road;

b. One (1) representative nominated by The Canyon Vineyard Limited;

c. One (1) representative nominated by the Central Otago Winegrowers Association (COWA);

d. Up to two (2) representatives appointed by Kā Rūnaka;

e. One (1) representative appointed by the Central Otago District Council; and

f. Up to two (2) representatives appointed by the Consent Holder.

g. The Consent Holder must meet the reasonable out-of-pocket costs and independent technical advisory expenses incurred by community and resident representatives participating in the CLG.

Mandatory Response & Escalation Framework:

The Consent Holder must provide a written, substantive response to any formal recommendation, query, or operational complaint submitted by the CLG within fifteen (15) working days of receipt. The response must specify the operational modifications made to resolve the issue, or provide detailed technical and engineering justification where modifications are not adopted.

Where the CLG considers that a response is inadequate or that repeated complaints regarding dust, noise, vibration, traffic, or water interference remain unresolved, the CLG may, by majority vote, refer the matter directly to the Chief Executives of CODC and ORC. Upon referral, the Councils shall commission an independent technical audit (at the Consent Holder's cost) to determine whether consent conditions or management plans require formal review under Section 128 of the Resource Management Act 1991.

Advice Note: *The CLG is not disestablished at the end of operations and must remain in operation until the Councils release the bond under Condition C150.*

C16-C28	<u>Before lodging the Air Quality Management Plan, the Blasting Noise and Vibration Management Plan, the Operational Noise Management Plan, the Construction Noise and Vibration Management Plan or the Access Road Construction Traffic Management Plan for certification, the Consent Holder must provide the draft to the Community Liaison Group and to every landowner within 3 km of the Project Site or located on the main haul road and allow not less than 20 working days for comment. The comments received and the Consent Holder's response must accompany the plans when lodged.</u>	These management plans are key documents that will determine how noise, dust, blasting and traffic actually affect neighbouring properties are drafted by the applicant and certified administratively. A consultation right has been afforded to the Department of Conservation on ecological matters, showing that the proposed amendment is workable. The Group seeks the ability to provide comment on these plans, given the effect their operation of each document will have on their amenity and commercial operations.
C141	~~Within six months of the commencement of the consents, and reviewed annually thereafter or at a timing agreed between the Consent Holder and the~~	

Councils, Prior to the commencement of any physical site works or exercise of any consent, the Consent Holder must lodge an initial cash bond or irrevocable bank guarantee of NZ\$50,000,000 jointly in favour of the Central Otago District Council and Otago Regional Council.

‡The Consent Holder must provide and maintain jointly in favour of the Councils a bond to:

- (a) Secure compliance with all the conditions of the consents and to enable any adverse effects on the environment resulting from the Consent Holder's activities, whether authorised by a resource consent or not, to be avoided, remedied, mitigated, offset or compensated for;
- (b) Secure the completion of rehabilitation and closure in accordance with the conditions of the consents and in accordance with any Mine Closure Plan to be certified by the Councils;
- (c) Ensure the performance of any monitoring obligations of the Consent Holder under the consents; and
- (d) Enable the Councils to undertake monitoring and management of the project site until the objectives and closure outcomes set out in Condition **C137** are achieved.

Advice Note: *The commencement of site and mine development is not subject to the prior certification of the initial bond report.*

C145	The Consent Holder must engage a suitably qualified and experienced independent assessor, <u>appointed solely by the Councils,</u> to prepare a report that is provided to the Councils annually and in accordance with the Conditions below.
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The amount of the bond must be fixed annually by the Councils and must be sufficient to cover the estimated costs (including contingencies) of meeting the requirements of **C141**, taking into account:

- (a) The methodology set out in the Lane Associates Limited report “*Bendigo-Ophir Gold Project Bond Introduction*” dated 27 May 2025;
- (b) The Annual Works Programme required by Condition **C13** of these conditions;
- (c) The Mine Closure Plan;
- (d) The amount of funds required to achieve the remaining ecological outcomes required by the LERMP and terrestrial ecology management plans;
- (e) Any advice received from the BOGP Kaitiaki Governance Group / Kā Rūnaka in respect of cultural risks associated with the activities undertaken by the Consent Holder and the implementation of the cultural rehabilitation standard for the mine site as provided for in Condition **C30**; and
- (f) The extent that funds are set aside in escrow or held by the Matakinui Trust for the purposes of post-closure management of the Ecological Rehabilitation and Enhancement Area in accordance with Condition **C157** below (shown on **Plan 3** in **Attachment 2** to these conditions).

The amount of the bond must be advised in writing to the Consent Holder at least one month prior to the review date.

Advice Note: *It is expected that the finalisation of the bond quantum will be fixed by the Councils and paid by the Consent Holder prior to the*

implementation of the next Annual Works Programme commencing 1 September each year.

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- C146 The amount of the bond to achieve the purposes set out in Condition C141 must include:
- (a) The estimated costs (including any contingencies necessary) of rehabilitation and closure in accordance with the conditions of this consent, on completion of the mining operations proposed for the next year and described in the Rehabilitation and Closure Plan and Annual Work Programme;
 - (b) The full replacement cost provisions for:
 - i. Constructing, commissioning, maintaining, and operating an active chemical Water Treatment Plant for a minimum duration of 90 years post-closure to capture and treat peak solute loads from the TSF and ELFs;
 - ii. An event-responsive third-party environmental impairment insurance policy of no less than NZ\$50,000,000, held continuously for the benefit of downstream landowners to cover crop loss, property devaluation, or business interruption in the event of aquifer contamination, acid rock drainage, or tailings dam failure; and
 - iii. An independent actuarial calculation of the long-term endowment required for the Matakinui Trust to maintain water treatment, dam stability, and pest control in perpetuity, without any monetary cap.
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- (c) Any further sum which the suitably qualified and experienced independent assessor recommended by the Consent Holder and approved by the Councils consider necessary to allow for remedying any adverse effect on the environment, including cultural effects, that may arise from the exercise of this consent;
- (d) The estimated costs of monitoring, in accordance with the monitoring conditions of this consent until completion of closure of the site;
- (e) Any further sum which the suitably qualified and experienced independent assessor recommended by the Consent Holder and approved by the Councils consider necessary for monitoring any adverse effect on the environment that may arise from the exercise of this consent including monitoring anything which is done to avoid, remedy, or mitigate an adverse effect; and

Any further sum required for the Councils to establish the Matakinui Trust in the event that it has not already been established by the Consent Holder in accordance with Condition C152.

C157	To provide the funding required for the Matakinui Trust to perform its purpose, functions, and responsibilities and to exercise its powers as set out in Condition C152 above, the Consent Holder must transfer NZ\$5 million per year from Year 6 of gold production into an escrow arrangement approved by the Councils for that year and every year thereafter whilst producing gold until funds within the escrow account total the sum determined via the bond calculation for post-closure in accordance with Conditions C141–C151 above, up to a maximum of NZ\$50 million, subject to the following.
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- (a) When the Matakinui Trust is established, the accrued funds in the escrow account must be transferred to the Matakinui Trust along with any subsequent annual payments required in accordance with the above following the establishment of the Matakinui Trust; and
- (b) If at the time the Trust Land is transferred to the Matakinui Trust there are insufficient funds to fulfil its obligations in relation to any transferred or held resource consents or the covenant relating the Trust Land (or both) (as demonstrated through the annual bond calculation which includes the post-closure obligations required in Condition C123), the Consent Holder must provide additional funding to the extent required.

Advice Note: This condition has been proffered on an Augier basis on behalf of the Consent Holder.

Table 4: D.04 – Schedule 2 – General Conditions for ORC Consents

Condition	Amendments	Comments
4	The Consent Holder must inform the Otago Regional Council (compliance@orc.govt.nz), the Community Liaison Group, and every holder of a water permit within 5km within 24 hours of any spill event that occurs outside of contained areas, within 10 m of a water body and exceeds the relevant trigger for that hazardous substance in the Spill Response Procedure to be included in the Hazardous Substances Management Plan required by Condition 53 of the Land Use Consent	

Conditions under the jurisdiction of Central Otago District Council and must provide the following information:

- (g) The date, time, location and estimated volume of the spill;
- (h) The cause of the spill;
- (i) The type of contaminant(s) spilled;
- (j) Clean up procedures undertaken;
- (k) Details of the steps taken to control and remediate the effects of the spill on the receiving water body;
- (l) An assessment of any potential effects of the spill on the receiving water body and measures to be undertaken to prevent a recurrence;
and

A copy of any expert advice obtained by the Consent Holder in responding to the spill.

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Management Plan Standards, Limits and Requirements

To achieve the objective stated in Condition 18, the Consent Holder must achieve the following outcomes, which must be included in the WMP:

- (a) Reliable water supply to the processing plant;
 - (b) Effective water availability and distribution across the site to support mining and associated activities;
 - (c) Controlled movement and storage of various water classes;
 - (d) Water discharges within compliance limits;
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- (e) Proactive monitoring and adaptive management processes and relevant triggers;
- (f) Long-term sustainability of water use in a water-deficit environment;
- (g) Zero release of untreated mine-impacted water during operations and construction phases (except surficial mine-impacted water and RAS Open Pit water used for dust suppression purposes provided it does not exceed 500mg/L of sulfate); and
- (h) Successful transition to active and post-closure, including active and passive water treatment systems that help achieve water quality objectives.

Water used for dust suppression must comply with the Surface Water Quality Compliance Limits in Attachment 5 for arsenic, antimony, cadmium and cyanide, and must not be applied within 100 m of the boundary of any land not owned by the Consent Holder, any dwelling, or any water body.
The results of monthly analysis of that water must be included in the Annual Monitoring and Compliance Report.

Advice Note: *Mine-impacted water (including the sub-categories of surficial and mine circuit water) is defined in the Common Conditions that apply to Central Otago District Council and Otago Regional Council in **Schedule One**.*